S.B. Cr. Bail Application No. 4716/2007
(Amar Pal Singh and Anr.. State of Rajasthan)

Date of order : 20.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. H.S.Sandhu for the petitioners.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioners and public prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioners that 150 kg of poppy straw was recovered but the recovery was effected by unauthorised persons and therefore, the entire proceeding is vitiated. He has relied on a decision of Hon'ble Supreme Court in Roy V.D. Vs. State of Kerala 2001 Cr.L.R. (SC) 54.

Learned public prosecutor submits that statement of as many as 11 witnesses have been recorded after filing of the challan and there is a speedy trial.

Keeping in view the recovery of contraband Poppy Straw weighing 150 kg. which is commercial quantity and provisions of Section 37 of the N.D.P.S. Act, it cannot be said at this stage that the petitioners have not committed any offence and if the petitioners are released on bail, they would not repeat the offence. In the circumstances, therefore, it is not a fit case to release the petitioners on bail. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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